



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,435	01/14/2004	Tiberiu Jamneala	10030714-1	5635
7590 05/03/2006			EXAMINER	
AGILENT TECHNOLOGIES, INC. Legal Department, DL 429 Intellectual Property Administration P.O. Box 7599 Loveland, CO 80537-0599			DESTA, ELIAS	
			ART UNIT	PAPER NUMBER
			2857	
DATE MAILED: 05/03/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/758,435

Applicant(s)

JAMNEALA ET AL.

Examiner

Elias Desta

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-7, 10, 12-18, 20-24, 27 and 32-34 is/are rejected.
- 7) ☒ Claim(s) 2, 8, 9, 11, 19, 25, 26, 28-31 and 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/14/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Final Rejection

Explanation of rejection

Claim rejection - 35 U.S.C. § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1, 3-7, 10, 12-18, 20-24, 27 and 32-34 provisionally rejected

under 35 U.S.C. 101 as claiming the same invention as that of claims 1-13, 15-

20, 24 and 28-30 of copending Application No. 10/368,179. This is a provisional

double patenting rejection since the conflicting claims have not in fact been

patented.

Claim Objection

3. Claims 2, 8, 9, 11, 19, 25, 26, 28-31 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Argument

4. Applicant's arguments (filed February 2, 2006) with respect to the rejection of Claims 1, 3-7, 10, 12-18, 20-24, 27, 28 and 32-34 under 35 U.S.C. 101 as claiming the same invention as that of claims 1-13, 15-20, 24, 25 and 28-30 of copending Application No. 10/368,179 have been fully considered but they are not persuasive because claims 1, 18 and 24 are not limited to "more than two test ports" so multi-port still reads on two ports. For instance Randa (IEEE Article, 'Noise Characterization of Multi-port Amplifier') describes two ports as a multi-port device. Applicant's drawing does not even show a multi-port device (see Randa, page 1757, second paragraph the last 7 lines). The two ports shown in the Applicant's drawing are in reference to a prior art reference. The network analyzer noted in both the instant claims and the copending claims functions equivalently. The method implemented with the two-port device includes an asymmetric reciprocity property where a matrix is used to characterize the arrangement. Hence, whether the system has two or more vector network analyzer (VNA), the analyzer would equally work with either arrangement having identical characterizing reciprocity property.

Applicant's argument (see remarks, filed on February 2, 2006) with respect to the rejection of claims 2, 8, 9, 19 and 28-30 over 35 U.S.C. 102(b)

Art Unit: 2857

and 103 (a) have been fully considered. Therefore, the rejections have been withdrawn.

Citation of pertinent prior art:

- Tsironis (U.S. Patent 6,850,076) teaches microwave tuners for wideband high reflection application. The system uses microwave impedance transformers or microwave tuners (which are an asymmetric reciprocal devices). The pre-matching tuner is calibrated on vector network analyzer (see Tsironis, column 4, lines 39-67). At each tuner position, the S-Parameter of the tuner two-port is measured on the vector network analyzer.
- Sternberg et al. (U.S. Patent 6,606,583, hereon Sternberg) teaches real-time error suppression method and apparatus. The system includes a bi-directional link between the input and output terminal to facilitate system calibration (see Stenberg, column 4, lines 9-67).

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply

Art Unit: 2857

is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elias Desta whose telephone number is (571)-272-2214. The examiner can normally be reached on M-Th (8:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (571)-272-2216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2857

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Elias Desta
Examiner
Art Unit 2857

- e.d

April 24, 2006

Hal Wachsman
HAL WACHSMAN
PRIMARY EXAMINER
AV2857